

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 7608

Petition of Vermont Transco LLC, and Vermont)
Electric Power Company, Inc., for authority,)
pursuant to 30 V.S.A. § 248a, to install wireless)
communications facilities in Clarendon,)
Manchester, Somerset, Brattleboro and Windsor,)
Vermont, as part of a statewide radio project)
)
)

Order entered: 4/15/2010

I. INTRODUCTION

In this Order, the Vermont Public Service Board ("Board") approves the petition filed by Vermont Transco LLC, and Vermont Electric Power Company, Inc. ("VELCO" or the "Petitioner"), pursuant to 30 V.S.A. § 248a, and the Board's Order implementing standards and procedures under this section ("Procedures Order")¹, and grants the Petitioner a certificate of public good ("CPG") authorizing the installation of communications facilities located in the Towns of Clarendon, Manchester, Somerset, Brattleboro and Windsor, Vermont, as part of a statewide radio project (the "Project").

II. BACKGROUND

This case involves a petition and prefiled testimony filed by the Petitioner on March 4, 2010, requesting that the Board issue a CPG, pursuant to 30 V.S.A. § 248a, authorizing the construction of the facilities identified above.

No comments or requests for hearing regarding the Project have been filed with the Board.²

1. *Order implementing standards and procedures for issuance of a certificate of public good for communications facilities pursuant to 30 V.S.A. § 248a*; Order issued August 14, 2009.

2. On January 28, 2010, prior to filing the petition, VELCO filed a motion to modify the notice provision in connection with the portion of the Project located in Somerset, Vermont. This portion of the Project involves attachments to an existing facility located on a parcel of land leased from the United States Forest Service ("USFS") within the Green Mountain National Forest. VELCO's motion requests relief from the obligation to notify adjoining landowners bordering the USFS tract. On February 22, 2010, the Vermont Department of Public Service filed a response to the motion with the Board stating that it had no objection to the notice modification. The Board has

The Board has determined that the petition and prefiled testimony have effectively addressed the issues raised with respect to the applicable substantive criteria of 30 V.S.A. § 248a. Consequently, we find that the procedure authorized by § 248a is sufficient to satisfy the public interest, and no hearings are required.

III. FINDINGS

1. The Project is part of VELCO's Statewide Radio Project ("SRP") that involves the creation of a private mobile communications network consisting of multiple wireless communications facilities. The facilities will be located throughout the state and are intended to improve worker safety and power outage recovery times by providing a means of communications among VELCO, utilities, and third-party contractors. The entire SRP is expected to be operational by 2012. Nelson pf. at 2-3, 6-7.

2. The SRP's most important use will be during emergency situations, such as power outages, where a coordinated response among VELCO and distribution utility personnel is critical. The SRP will also be used for non-emergency work by providing coverage in areas that currently lack commercial wireless communications service. Nelson pf. at 3.

3. The Project facilities are proposed to be located at the following sites: (1) Brattleboro, Site No. 26c, 886 and 888 South Street, Brattleboro; (2) Boardman Hill, Site No. 15b, 119 Paul Austin Road, Clarendon; (3) Mount Equinox North, Site No. 19c, 4660 Equinox Skyline Drive, Manchester; (4) Mount Equinox South, Site No. 21b, 4660 Equinox Skyline Drive, Manchester; (5) Mount Ascutney South Peak, Site No. 23a, Summit of Mt. Ascutney in the Ascutney State Park, Windsor; and (6) Mount Snow, Site No. 32b, Summit of Mt. Snow, USFS Tract 390a, Somerset. Nelson pf. at 5; Joint Panel pf. at 4.

4. The Project facilities involve antenna co-locations on existing towers owned by parties other than VELCO. VELCO presently has no facilities of its own at any of these locations. All

reviewed the motion and concludes that because the parcel of land on which the existing VELCO facility is located on a distinct parcel that is entirely within the USFS tract, the USFS is the sole adjoining landowner and no additional notice is required. Therefore, the motion is moot and no further action is required.

of the towers and associated equipment have been in existence for over ten years. Joint Panel at 4.

5. Each of the Project facilities will involve the installation of two dipole antennas of varied sizes at specific heights on existing telecommunications towers with none of the antennas extending more than eight feet above the existing tower. The Project also involves the installation of antenna operating equipment in the existing communications sheds located at each of the six sites. Campbell and Smith pf. at 4-10.

6. The Project also involves the installation of one or two microwave antennas, with diameters of up to six feet, on the existing towers at the Boardman Hill, Mount Ascutney, and Mount Equinox North and South facilities. Campbell and Smith pf. at 4-10.

7. Propane fueled generators and underground propane fuel storage tanks will be installed at the existing Brattleboro, Boardman Hill, and Mount Equinox North and South sites. The generators will have capacities from 17 kW to 36 kW and the fuel tanks will have capacities from 500 to 1000 gallons. Campbell and Smith pf. at 4-10.

8. Coaxial and electrical connections associated with the operation of the antennas under emergency power will also be installed at each of the six sites. Campbell and Smith pf. at 4-10.

9. The Project will not have an undue adverse impact on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas. This finding is supported by findings 10 and 11, below.

10. The proposed co-location of facilities will not have an undue adverse effect when viewed in the overall context of the existing telecommunications tower and equipment located at each site. Campbell and Smith pf. at 17-19.

11. There are no rare or irreplaceable natural areas or historic sites within the vicinity of the existing telecommunications tower sites where the Project will be located. Campbell and Smith pf. at 19.

IV. DISCUSSION & CONCLUSION

Pursuant to 30 V.S.A. §248a(a):

Notwithstanding any other provision of law, if the applicant seeks approval for the construction or installation of telecommunications facilities that are to be

interconnected with other telecommunications facilities proposed or already in existence, the applicant may obtain a certificate of public good issued by the public service board under this section, which the board may grant if it finds that the facilities will promote the general good of the state consistent with subsection 202c(b) of this title. A single application may seek approval of one or more telecommunications facilities.

Pursuant to § 248a(j)(1), the Procedures Order defines a project of "limited size and scope" as a facility that:

(a) consists of an attachment to an existing structure that does not increase the height or width of the existing structure by more than twenty feet; or (b) does not exceed 135 feet in height and does not include road building or other earth disturbance exceeding 100 square feet, other than a temporary road or earth disturbance associated with construction or installation activities.

Further, pursuant to Section (L) of the Procedures Order, regarding projects of "limited size and scope":

Unless the Board determines that an application raises a substantial issue, it shall issue a final determination on an application within 45 days of its filing

Each of the communications facilities included as part of the proposed Project will consist of an attachment to an existing structure that does not increase the height or width of that structure by more than twenty feet and will involve only temporary earth disturbance associated with Project installation at the existing sites. Therefore, all of the facilities qualify as facilities of "limited size and scope" as defined in the Board's Procedures Order governing the installation of wireless telecommunications facilities. The Procedures Order provides that the Board, in its review of facilities of "limited size and scope," conditionally waives all criteria under 30 V.S.A. § 248a(c)(1), with the exception of 10 V.S.A. § 6086(a)(8) (aesthetics, historic sites, rare and irreplaceable natural areas).

Based upon all of the above evidence, the petition does not raise a significant issue with respect to the relevant substantive criteria of 30 V.S.A. § 248a, the public interest is satisfied by the procedures authorized in 30 V.S.A. § 248a, and the proposed Project will promote the general good of the State.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that the installation and operation of communications facilities at the locations specified in the above findings, by Vermont Transco LLC, and Vermont Electric Power Company, Inc., in accordance with the evidence and plans submitted in this proceeding, will promote the general good of the State of Vermont in accordance with 30 V.S.A. § 248(n), and a certificate of public good to that effect shall be issued in this matter.

Dated at Montpelier, Vermont, this 15th day April, 2010.

<u>s/James Volz</u>)	
)	PUBLIC SERVICE
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<u>s/David C. Coen</u>)	BOARD
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)	OF VERMONT
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OFFICE OF THE CLERK

FILED: April 15, 2010

ATTEST: s/Judith C. Whitney
Deputy Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: psb.clerk@state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.